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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,369	01/09/2002	John E. Fetkovich	END920010044US1	6345
30743	7590	11/22/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			MOORTHY, ARAVIND K	
		ART UNIT	PAPER NUMBER	
		2131		

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/043,369	FETKOVICH, JOHN E.
	Examiner Aravind K. Moorthy	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 September 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-21,23 and 24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1 and 3-21 is/are allowed.  
 6) Claim(s) 23 is/are rejected.  
 7) Claim(s) 24 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This is in response to the arguments filed on 6 September 2005.
2. Claims 1, 3-21, 23 and 24 are pending in the application.
3. Claim 23 has been rejected.
4. Claims 1 and 3-21 have been allowed.
5. Claim 24 is objected to as being dependent upon a rejected base claim.
6. Claims 2 and 22 have been cancelled.

### ***Response to Arguments***

7. Applicant's arguments filed 6 September 2005 have been fully considered but they are not persuasive.

On page 8, the applicant argues that Hori et al does not teach the use of any number of decryption keys to reproduce only a portion of stored data.

The only claim that the examiner rejected was claim 23. There is no limitation of “the use of any number of decryption keys to reproduce only a portion of stored data” in claim 23. Therefore, it is not required by Hori et al to teach that limitation.

On page 8, the applicant argues that Hori et al does not teach the use of an additional decryption key to allow the reproduction data in its entirety.

As discussed above, the only claim that the examiner rejected was claim 23. There is no limitation of “the use of an additional decryption key to allow the reproduction data in its entirety” in claim 23. Therefore, it is not required by Hori et al to teach that limitation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**8. Claim 23 is rejected under 35 U.S.C. 102(e) as being anticipated by Hori et al U.S. Patent No. 6,898,708 B2.**

As to claim 23, Hori et al discloses a method for controlling access of digital information, comprising:

storing digital information in an encrypted form on a host system [column 6, lines 10-13];

storing an application program for reproducing the digital information on the host system [column 11, lines 8-25];

storing a first decryption key on the host system [column 11, lines 8-25]; and  
activating the application program to reproduce the digital information on the host system, the application program reproducing the digital information based on the first decryption key, the first decryption key controlling the application program to reproduce only a portion of the digital information [column 11, lines 8-25].

*Allowable Subject Matter*

**9. Claims 1 and 3-21 are allowed.**

As to claims 1 and 3-8, prior art does not teach or fairly disclose comparing the first type of decryption key to the data stored on the host system to identify the first type of reproduction quality degradation. Prior art does not teach or fairly disclose that the reproducing step includes degrading the reproduction quality of the digital information in accordance with the first type of reproduction quality degradation identified in the comparing step.

As to claims 9-20, prior art does not teach or fairly disclose the first decryption key instructing an application program on the host system to degrade the reproduction quality of the digital information based on at least one of a time condition and a use condition.

As to claim 21, prior art does not teach or fairly disclose reproducing the digital information a second time, using a second decryption key, with a second quality of reproduction, the second quality of reproduction being degraded relative to the first quality of reproduction.

**10. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

As to claim 24, prior art does not teach or fairly disclose a second decryption key on the host system. Prior art does not teach or fairly disclose that the application program reproduces the digital information a second time based on the second decryption key. Prior art does not teach or fairly disclose that the second decryption key controls the application program to reproduce all of the digital information.

***Conclusion***

**11. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy AM  
November 16, 2005

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100